

## Remarks before the House Judiciary Committee on House Bill 308

Chairman Stoker and honorable members of the committee, my name is Nancy Luth and I am the Municipal Court Judge in Great Falls, MT. I am here today to speak in support of the proposition of permitting judges to allow defendants to contribute to a food bank in lieu of paying fines.

I am however, requesting that proposed language be placed under MCA 46-18-201(3) (a). This will address the situation in a more direct manner and with less difficult calculations than are required by amending the community service statute which is how the bill is currently drafted. The new language would read as follows:

A bill amending MCA46-18-201(3)(a): (i) A court may, no more than twice annually, as part of a program available to an identifiable class of defendants owing fines defined by the court, permit fine payments to a maximum of \$100 to be satisfied by a donation of food, clothing, or other necessity of life, to a community organization dedicated to the provision of those items to low income recipients.

I am requesting an amendment of the proposed legislation (HB 308) to substitute this language. Mr. Niss indicated that this may require a committee bill as the language I have proposed does not fall under the community service section of the sentencing statutes but rather under the imposition of fines section of the code specifically 46-18-201.

This language would permit courts around the state of Montana to continue with court sponsored food drives. In the past, these drives have been held in Great Falls, Helena, Missoula, Billings and Red Lodge.

Approximately 850 people a year take advantage of our December food drive. We contribute more than 10,000 pounds of food to the food bank in Great Falls which services most of north central Montana.

Besides benefiting the food bank, the program helps defendants by giving them a small financial break during the year.

Finally, the food drive gives those folks who don't usually get the opportunity, to volunteer in their community and thus make them feel more a part of their community and hopefully less likely to offend again. The sentencing policy of the State of Montana (MCA 46-18-101(d)) is to encourage and provide opportunities for the offender's self-improvement to provide rehabilitation and reintegration of offenders back into the community. The typical misdemeanor offender I see is a person struggling with a limited education, some alcohol, drug or mental health problems, a low paying or seasonal job and kids to feed. This is a rare small opportunity he/she has to have the luxury of doing something for someone less fortunate and receiving a break at the same time.

For these reasons I am asking you to vote yes on the amended version of this bill.

Thank you.